IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 1387 of 2007(M)

PETITIONER:

M. HAMSA, S/O. MADHARI CHEKKU,
AMAN FRUITS FARM, ANNA NAGAR, CHAMMANAMPATHY ROAD,
GOVINDAPURAM P.O., MUTHALAMADA VILLAGE,
CHITTUR TALUK, PALAKKAD.

BY ADV. SRI.H.BADRUDDIN

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE, PALAKKAD.

2. THE SUB INSPECTOR OF POLICE,
KOLLENGODE, PALAKKAD DISTRICT.

3. THE ASSISTANT LABOUR OFFICER,
NEMMARA, PALAKKAD DISTRICT.

4. THE PRESIDENT,
INTUC, MUTHALAMADA UNIT, OFFICE AT KAMBRATH CHALLA
MUTHALAMADA P.O., PALAKKAD DISTRICT.

5. THE SECRETARY,
CITU, MUTHALAMADA UNIT, OFFICE AT KAMBRATH CHALLA
MUTHALAMADA P.O., PALAKKAD DISTRICT.

6. THE PRESIDENT,
BHARATHIYA MASDOOR SANGHAM, MUTHALAMADA UNIT,
OFFICE AT KAMBRATH CHALLA, MUTHALAMADA P.O.,
PALAKKAD DISTRICT.

7. KRISHNAN KUTTY, S/O. VASU,
AMAN FRUITS FARM, ANNANAGAR, CHEMANAMPATHY,
MUTHALAMADA P.O., CHITTUR TALUK, PALAKKAD DISTRICT

8. MUHAMMED BASHEER, S/O. SEYD,
AMAN FRUITS FARM, ANNANAGAR, CHEMANAMPATHY,
MUTHALAMADA P.O., CHITTUR TALUK, PALAKKAD DISTRICT

9. MUHAMMED RAFI, S/O.MOIDEEN KUTTY,
AMAN FRUITS FARM, ANNANAGAR, CHEMANAMPATHY,
MUTHALAMADA P.O., CHITTUR TALUK, PALAKKAD DISTRICT

R1 TO 3 BY GOVT. PLEADER SHRI P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF TITLE DEED IN RESPECT OF THE PETITIONER, HIS WIFE AZIYA, OTHER PARTNERS SEYDALAVI AND UMMUKULZU DT.22.9.98

EXT.P1(a) - -DO- TITLE DEED IN THE NAME OF PETITIONER, HIS WIFE AZIYA, OTHER PARTNERS SEYDALAVI AND UMMUKULZU DT. 25.9.98

EXT.P1(b) - -DO- -DO- -DO-

EXT.P1(c) - -DO- -DO- -DO-

EXT.P1(d) - -DO- TITLE DEED STANDS IN THE NAME OF OTHER PARTNERS NAMED MUSTHAFA AND ABDUL RASHEED DT. 8.3.2004

EXT.P1(e) - -DO- IN THE NAME OF OTHER PARTNERS MUSTHAFA ANDBY ABDUL RASHEED DT. 8.3.2004.

EXT.P2 - TRUE COPY OF REPRESENTATION MADE BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P3 - TRUE COPY OF REPRESENTATION MADE BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

(TRUE COPY)

VAA P.S. TO JUDGE

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

W.P.(C) No. 1387 of 2007 M

Dated this the 25th day of January, 2007

Judgment

This is a petition for police protection. According to the petitioner, petitioner is having his own workers for transporting the agricultural produce. Demanding loading and unloading work in the agricultural farm, respondents 4 to 9 and their supporters are disrupting the work. Government Pleader submitted that according to the Labour Officer, no dispute is pending. Government Pleader also submitted that at present there is no dispute. In the above circumstances, police protection is granted to the petitioner to carry out the loading and unloading work and for transporting the agricultural produce by the petitioner's own workers in the farm without prejudice to the right of the workers or unions in raising labour disputes and also without prejudice to any dispute regarding possession and ownership as such disputes can be decided only by the civil court.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

W.P.(C) No.1387/2007 M

Judgment

Dated:25th January, 2007